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Attorney et No.: 19904-013 NATL.  
(BREESE-13)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Temsamani *et al.*

SERIAL NO: 09/856,940

INTERNATIONAL PCT/FR99/02939  
APPLICATION NO :

I.A. FILING DATE: 26 November 1999

PRIORITY DATE : 30 November 1998

FOR: PHARMACEUTICAL COMPOSITION COMPRISING AN ANTI-CANCER AGENT AND AT LEAST  
A PEPTIDE

February 11, 2002  
Boston, Massachusetts

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

VIA

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

**STATEMENT OF FACTS IN SUPPORT OF RENEWED PETITION UNDER 37 C.F.R. §  
1.47(a) (FILING ON BEHALF OF NONSIGNING INVENTOR)**

Sir:

This is a Statement of Facts which accompanies the Renewed Petition pursuant to 37 C.F.R. §1.47(a) to accept the Combined Declaration and Power of Attorney of inventors Jamal Temsamani and Michel Kaczorek. A first Petition under 37 C.F.R. § 1.47(a) was filed on December 6, 2001. In a DECISION ON PETITION UNDER 37 CFR 1.47(a) dated January 30, 2002, Applicants' Petition was dismissed because documentary evidence was not submitted that support a finding that the nonsigning inventor could not be found or reached, and also because Applicant did not state which residence is "the" last known address of the missing inventor. A

The DECISION recites that "the statement of facts must be signed, where at all possible by a person having first hand knowledge of facts recited therein." MPEP §409.03(d). The DECISION suggests that the statement of facts needs to come from the French patent associate and that such a statement should outline what additional steps (e.g. telephone search, internet search, etc.) were

taken to locate the missing inventor beyond merely attempting to contact at the last known address. As recited in the DECISION, no additional Petition fee is required.

This statement is being made by the undersigned, an attorney for SYNT:EM S.A., the assignee of the above-identified application. The undersigned has first-hand knowledge of the facts recited herein.

This statement is being submitted in response to a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.371 IN THE UNITED STATES DESIGNATED ELECTED OFFICE (DO/EU/US), which was mailed 10 July 2001 in the above-identified application, and following the dismissal of the first Petition under 37 C.F.R. § 1.47(a) dated December 6, 2001. For reference, a copy of the Declaration signed by Jamal Temsamani and Michel Kaczorek which was submitted with the first Petition dated December 6, 2001 accompanies this Statement of Facts.

The above-identified application has an International Filing Date of November 26, 1999 and was filed as a U.S. National Application under 35 U.S.C. § 371 on May 30, 2001. The application is to be assigned to SYNT:EM, Nimes, France and names three (3) inventors: Jamal Temsamani, Michel Kaczorek and Annick Colin de Verdiere. Inventors Jamal Temsamani and Michel Kaczorek are presently employees of SYNT:EM. Inventor Annick Colin de Verdiere is no longer employed at SYNT:EM. Upon receipt of the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.371 IN THE UNITED STATES DESIGNATED ELECTED OFFICE (DO/EU/US), a Combined Declaration and Power of Attorney form in conformance with U.S. Patent and Trademark Office regulations was prepared for submission to the inventors for signing.

Inventor Annick Colin de Verdiere is no longer employed at SYNT:EM and though a complete copy of the application papers and Declaration has been sent to her residence address on more than one occasion requesting that she sign and return the Declaration, she has continuously refused to do so.

A diligent and *bona fide* attempt has been made to locate and obtain the signature of third inventor, Annick Colin de Verdiere. On more than one occasion in accordance with my instructions, a complete copy application papers and a Declaration form was forwarded to Annick Colin de Verdiere for her review and signing of the Declaration form. However, inventor Annick Colin de Verdiere has repeatedly refused to sign and return the Declaration form. Telephone messages left for Annick Colin de Verdiere requesting that she sign and return the Declaration have also been ignored and gone unanswered. **Copies of letters sent to inventor Annick Colin de Verdiere (in French and translated to English) at her last known residence address requesting her signature on the Declaration form, and evidence of delivery issued from the French Mail Service are attached hereto.** Accordingly, a diligent and *bona fide* effort to reach inventor Annick Colin de Verdiere and to comply with 37 C.F.R. §1.47(a).

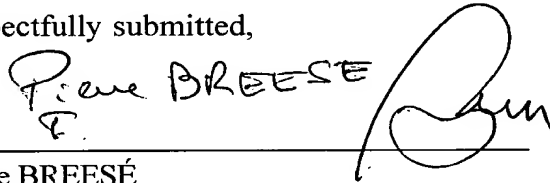
This statement is made as to the exact facts that are relied upon to establish the diligent and *bona fide* effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application.

The last known residence addresses of non-signing inventor, Annick Colin de Verdier is:

4 rue Rémi Belleau  
86 000 POITIERS  
FRANCE

Since inventor Annick Colin de Verdier has refused to execute the Declaration, the undersigned respectfully requests that inventor Annick Colin de Verdier be designated as an inventor who refuses to sign under 37 C.F.R. §1.47(a), and to permit submission of the Declaration with the signatures of Jamal Tamsamani and Michel Kaczorek on behalf of the non-signing inventor.

Respectfully submitted,



Pierre BREESE  
Breese-Majerowicz  
Cabinet Simonnot  
Conseil en Propriété Industrielle  
3, avenue de l'Opera  
75001 PARIS  
FRANCE

Dated: Feb. 11, 2002

system

Nîmes, l 04 mai 2001

Lettre Recommandée avec AR

Annik Colin de Verdier  
4 rue Rémi Belleau  
86 000 PORTIERS

Objet: Pouvoirs US et Canada de la demande de brevet PCT/FR99/02939  
« Composition pharmaceutique anti-cancéreuse et anti-chimiorésistance comprenant un agent anti-cancéreux et au moins un peptide ».

Chère Annik,

Je n'ai pas eu de tes nouvelles depuis ton départ et je crois ne pas être le seul. Je ne peux que respecter ton choix par la force des choses et ne pourrais m'étendre par écrit à ce sujet...

Quoiqu'il en soit, j'espère que tu vas bien et que tu te plais dans tes nouvelles fonctions.

Ce sont les devoirs du travail qui me conduisent à te contacter, j'aurai préféré que ce ne soit pas cette obligation qui me rapproche de toi.

J'ai essayé de te joindre via ton ancien domicile mais en vain et c'est par le cabinet Breese & Majerowicz que je dispose de cette adresse qui j'espère est toujours la tienne. Je ne l'ai communiqué à personne ici et si tu le désires je n'informerai personne à ce sujet.

Comme tu le sais, tu es l'un des trois inventeurs de la demande de brevet mentionnée ci-dessus.

Cette demande de brevet a été publiée le 08 juin 2000 et nous approchons à présent des entrées en phases nationales. La poursuite des procédures dans certains pays tels que les USA et le Canada nécessitent la délivrance des documents « assignments et power of attorney » dûment signés par chacun des inventeurs.

Pourrais tu s'il te plaît compléter ces documents que tu trouveras ci-joints en faisant également signer un témoin et me les retourner dès que possible.

Je te remercie par avance et espère avoir prochainement de tes nouvelles.

Amicalement

  
Alain Yvorra

Parc Scientifique

Georges Besse

30 000 Nîmes - France

Tel. 33(0) 466 666 666

Fax. 33(0) 466 048 667

Pièces jointes : cession Canada, Assignment &amp; Power USA

S.A. à Directeur  
et Conseil de Surveillance  
au capital de 4.835.957,24 Euros  
RCS Nîmes 401 138 797 00022  
APE 244A

Nimes, France, May 4, 2001

Recorded delivery letter with proof of receipt

Annick Colin de Verdiere  
4 rue Remi Belleau  
86000 Poitiers  
France

*Re. Powers of attorney for the US and Canada for patent application PCT/FR99/02939  
"A cancer fighting and chemical resistance fighting pharmaceutical substance comprising an cancer fighting agent and at least one peptide".*

Dear Annick,

I have not heard from you since you left and I don't think I am alone in that. I cannot but respect the choice that you made given the circumstances but I cannot go into this subject in writing...

Whatever, I hope that this finds you well and that you are happy with your new position.

It is the pressures of work that bring me to contact you although I would have preferred to have contacted you for other reasons.

I have attempted in vain to reach you through your former address and it thanks to Cabinet Breese & Majerowicz that I have been able to find this address which I hope is still current. I have not made it available to anyone here and if you so wish, I will inform no one about this.

As you know, you are one of the three inventors credited with the patent mentioned above.

This patent application was published on June 8, 2000 and we are now approaching the start of the national registration phases. To pursue the procedures in some countries like the US and Canada, it is necessary to have the appropriate assignments and powers of attorney documents duly signed by each of the inventors.

Could you please fill in the documents that you will find attached and also have them witnessed and signed, and then send them back to me as soon as possible.

I look forward to receiving them and hope to hear from you soon.

Your friend,

[Signed]

Alain Yvorra

*Attachments: release for Canada, assignment and power of attorney for the US*

**LA POSTE**

RA 2111 6643 0FR

**AVIS DE RÉCEPTION  
DE VOTRE ENVOI  
RECOMMANDÉ**

Présenté le: 7.05.01

Distribué le: 7.05.01

Signature du destinataire: [Signature]

Annick Colin de Veldrae  
4 rue René Belleau  
86000 POITIERS

RETOUR À:

SYNTEN  
Parc Georges Bene  
Avenue Charles Ballez  
30000 NÎMES

AVIS DE RÉCEPTION

**LA POSTE**

RA 2111 6643 0FR

**PREUVE DE DÉPÔT  
D'UN OBJET RECOMMANDÉ  
AVEC AVIS DE RÉCEPTION**

TAXE DE RECOMMANDATION: ☒ 10 ☐ 15 ☐ 20

CONSERVEZ CE FEUILLET IL SERA  
NECESSAIRE EN CAS DE RÉCLAMATION

LE CAS ÉCHÉANT VOUS POUVEZ FAIRE  
UNE RÉCLAMATION DANS N'IMPORTE QUEL  
BUREAU DE POSTE

**DESTINATAIRE**

Annick Colin de Veldrae  
4 rue René Belleau  
86000 POITIERS

RETOUR À:

SYNTEN  
Parc Georges Bene  
Avenue Charles Ballez  
30000 NÎMES

Date: 4/5 Prix: 3,10 Coût de remboursement: 1,00 Nature de l'objet: CR

**LA POSTE**

RA 2111 6643 0FR

**AVIS DE RÉCEPTION  
DE VOTRE ENVOI  
RECOMMANDÉ**

Présenté le : 7.05.01  
Distribué le : 7.05.01  
Signature du destinataire :

Annick Colin de Verdière  
4 rue René Belleau  
86000 POITIERS

RETOUR À  
SYNTEN  
Parc Georges Bette  
Avenue Charles Balsa  
30000 NÎMES

AVIS DE RÉCEPTION

**LA POSTE**

RA 2111 6643 0FR

**PREUVE DE DÉPÔT  
D'UN OBJET RECOMMANDÉ  
AVEC AVIS DE RÉCEPTION**

TAUX DE RECOMMANDATION ☒ 1 ☐ 2 ☐ 3

CONSERVEZ CE FEUILLET, IL SERA  
NECESSAIRE EN CAS DE RÉCLAMATION

LE CAS ÉCHÉANT VOUS POUVEZ FAIRE  
UNE RÉCLAMATION DANS N'IMPORTE QUEL  
BUREAU DE POSTE

DESTINATAIRE  
Annick Colin de Verdière  
4 rue René Belleau  
86000 POITIERS

SYNTEN  
Parc Georges Bette  
Avenue Charles Balsa  
30000 NÎMES

4/5 30,60

proof of sending the letter

acknowledgements of receipt → letter delivered  
on May, 7, 2001  
with the signature of  
Annick Colin de  
Verdière



**System**

Nîmes, le 03 juillet 2001

Annik Colin de Verdier  
4 rue Rémi Belleau  
86 000 POITIERS

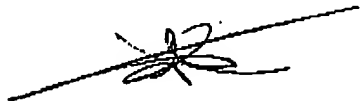
Objet: Pouvoirs US et Canada de la demande de brevet PCT/FR99/02939

Salut Annik,

Je reviens encore vers toi pour les formalités administratives dont tu as déjà eu connaissance. Je suis ennuyé que tu ne m'aie pas répondu, non pas que cela entravera les procédures nord américaines, mais surtout du fait que je suis obligé de me farcir des courriers pour expliquer la situation. Et ici il n'y a que moi qui en subit les conséquences.

S'il te plaît, pourrais tu me faire un petit signe à ta convenance (un coup de fil discret me suffirait- mon n° direct est 04 66 04 86 69).  
En attendant porte toi bien.

Amicalement



Alain Yvorra

Parc Scientifique

Georges Besse

30000 Nîmes - France

Tel. 33(0) 466 048 666

Fax 33(0) 466 048 667

S.A. à Direction  
et Conseil de Surveillance  
au capital de 4.835.057,24 Euros  
RCS Nîmes 401 134 797 00022  
APB 244A

Nimes, France, July 3, 2001

Annick Colin de Verdiere  
4 rue Remi Belleau  
86000 Poitiers  
France

*Re. Powers of attorney for the US and Canada for patent application PCT/FR99/02939*

Hi Annick,

I am contacting you once again regarding the administrative formalities that you are already aware of. It bothers me that you did not reply, not that this will affect the North American procedures, but rather that I am obliged to get involved in all sorts of letters to explain the situation. At this end, I am the only one who suffers the consequences.

Please let me hear from you whenever is convenient (a discrete telephone call would be enough - my direct line is +33 (0)4 66 04 86 69).

In the meantime, look after yourself.

Your friend,

[Signed]

Alain Yvorra

system

Nîmes, le 24 aout 2001

Lettre Recommandée avec AR

Annik Colin de Verdiers  
4 rue Rémi Belleau  
86 000 POITIERS

Objet: Pouvoirs US et Canada de la demande de brevet PCT/FR99/02939  
« Composition pharmaceutique anti-cancéreuse et anti-chimiorésistance comprenant un agent anti-cancéreux et au moins un peptide ».

Chère Annik,

Toujours aucune nouvelle de ta part, malgré mes requêtes successives...

Nous allons bientôt entrer en phases nationales pour les USA et Canada pour cette demande de brevet. Pour que les procédures suivent leur cheminement, il faut donner le pouvoir aux avocats nord américain et transférer les droits en signant « l'assignement ».

Pourrais tu s'il te plaît compléter ces documents que tu trouveras ci-joints en faisant également signer un témoin et me les retourner dès que possible.

Je te remercie par avance et espère avoir prochainement de tes nouvelles.

Amicalement



Alain Yvorra

Pièces jointes : cession Canada, Assignment & Power USA

Parc Scientifique

Georges Bessé

30 000 Nîmes - France

Tel. 33(0) 466 048 667

Fax. 33(0) 466 048 667

S.A. à Directeur  
et Conseil de Surveillance  
au capital de 1035.957,24 €  
RCS Nîmes 101 136 797.00022  
A112 214A

Nimes, France, August 24, 2001

Recorded delivery letter with proof of receipt

Annick Colin de Verdiere  
4 rue Remi Belleau  
86000 Poitiers  
France

*Re. Powers of attorney for the US and Canada for patent application PCT/FR99/02939  
"A cancer fighting and chemical resistance fighting pharmaceutical substance comprising an cancer  
fighting agent and at least one peptide".*

Dear Annick,

I have still not heard any word from you despite my successive requests...

We will soon be entering the national patent stages for the US and Canada for this patent application. So that the procedures can follow their course, it is necessary to give a power of attorney to the North American lawyers and to transfer the rights by signing the "assignment" document. Could you please fill in the documents that you will find attached and also have them witnessed and signed, and then send them back to me as soon as possible.

I look forward to receiving them and hope to hear from you soon.

Your friend,

[Signed]

Alain Yvorra

*Attachments: release for Canada, assignment and power of attorney for the US*

LA POSTE

RA 2111 6681 0FR

AVIS DE RÉCEPTION  
DE VOTRE ENVOI  
RECOMMANDÉ

Présenté le:

Distribué le:

Signature du destinataire:

Annie COLIN DE VESCE  
4 rue Lémi Belleau  
86000 POITIERS

RETOUR À:

SYNACT  
Polo Siech, Georges Bette  
Alfred Charles Balthage  
30000 NINES

AVIS DE RÉCEPTION

LA POSTE

RA 2111 6681 0FR

PREUVE DE DÉPÔT  
D'UN OBJET RECOMMANDÉ  
AVEC AVIS DE RÉCEPTIONTAUX DE RECOMMANDATION RI ☐ R2 ☐ R3 ☐CONSERVEZ CE FEUILLET IL SERA  
NÉCESSAIRE EN CAS DE RÉCLAMATIONEN CAS ÉCHECANT VOUS POUVEZ FAIRE  
UNE RÉCLAMATION DANS N'IMPORTE QUEL  
BUREAU DE POSTE

DESTINATAIRE

Annie COLIN DE VESCE  
4 rue Lémi Belleau  
86000 POITIERSSYNACT  
Polo Siech, Georges Bette  
Alfred Charles Balthage  
30000 NINES

Date

Prix

Taux de recommandation

Signature de l'expéditeur

24/08/01 4,60€

lf

PREUVE DE DÉPÔT

LA POSTE

RA 2111 6681 0FR

AVIS DE RECEPTION  
DE VOTRE ENVOI  
RECOMMANDE

Présenté le: 27.08.01

Distribué le: 28.08.2001

Signature du destinataire

Annik COLIN DE VERDIERE  
4 rue Lemi Belleau  
86000 POITIERS

RETOUR A

SYNTON  
Palc Suchanow Georges Belle  
Avec Charles Ballaige  
30000 NINES

AVIS DE RECEPTION

LA POSTE

RA 2111 6681 0FR

PREUVE DE DEPOT  
D'UN OBJET RECOMMANDE  
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NECESSAIRE EN CAS DE RECLAMATIONLE CAS ECHÉANT VOUS POUVEZ FAIRE  
UNE RECLAMATION DANS N'IMPORTE QUEL  
BUREAU DE POSTE

DESTINATAIRE

Annik COLIN DE VERDIERE  
4 rue Lemi Belleau  
86000 POITIERS

SYNTON  
Palc Suchanow Georges Belle  
Avec Charles Ballaige  
30000 NINES

Date	Prix	Contre-Rebours	Signature
24/08/01	4,60€		[Signature]

proof of sending the letter

acknowledgement of receipt → letter delivered  
on August 28, 2001  
with the signature of  
Annick Colin de Verdier